IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.940 of 2005
RAMASHISH SINGH
Versus
STATE OF BIHAR & ANR
---

9. 20.8.2008. Heard the learned counsel for both the parties.

This application has been preferred against the order dated 29.8.2005 passed by VIth Additional Sessions Judge, Begusarai in Cr. Revision No.333 of 2000 thereby the order dted 24.7.2000 passed by S.D.M., Begusarai in Case No.29 M of 1998 dropping the proceeding initiated under section 147 Cr.P.C. has been set aside and the case is remanded back to the court below to decide the matter on merit after receiving all evidence produced on behalf of the parties.

WEB COPY NOT OFFICIAL

The submission of the learned counsel for the petitioner is that in view of final decree passed in Title Suit in respect of the disputed land as back as in the year 1982, the learned Magistrate has rightly dropped the proceeding. The learned Additional Sessions Judge has committed error in remitting the matter to the learned Magistrate for decision on merit.

Considered the submission of the learned counsel for the parties. Perused the impugned order. It appears from the impugned order that the evidence has substantially been brought on the record by the parties. The case was dropped by the magistrate in mid of the enquiry. Therefore, the court below has rightly directed the learned Magistrate to decide the matter on merit on the basis of the evidence

available on the record. I find no illegality in the impugned order.

Accordingly, this application is hereby rejected and the learned Magistrate is directed to dispose of the matter on merit within three months of receipt of this order.

(Ghanshyam Prasad)

N.H./

WEB COPY NOT OFFICIAL